**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF NEW MEXICO**

**LAURA BARBER, on behalf of herself**
**and others similarly situated,**

**Plaintiffs,**

**v.** **No. CIV-03-1404 WPJ/RLP**

**REGENTS OF THE UNIVERSITY OF CALIFORNIA,**
**d/b/a LOS ALAMOS NATIONAL LABORATORY,**

**Defendants.**

***consolidated with***

**YOLANDA GARCIA, et al.**

**Plaintiffs,**

**v.** **No. CIV-04-0112 WPJ/RLP**

**REGENTS OF THE UNIVERSITY OF CALIFORNIA,**
**et al.,**

**Defendants.**

**JOINT MOTION TO CLOSE CLAIMS ADMINISTRATION AND TO DISMISS**

Plaintiffs and Class Representatives Laura Barber, Yolanda Garcia, Loyda Martinez, Gloria Bennett and Yvonne Ebelacker, Hispanic Roundtable of New Mexico, and University Professional and Technical Employees CWA 9119 (AFL-CIO) (collectively "Class Representatives") and Defendants G. Peter Nanos ("Nanos") and the Regents of the University of California ("Regents")(all of whom are collectively referred to herein as the "Parties"), by and through their respective counsel, pursuant to the terms of their Settlement Agreement, the prior Orders of this Court, and Fed. R. Civ. P. 41(a)(2), move the Court for an Order closing the claims administration in the above-captioned class action and dismissing this case with prejudice in its entirety. As grounds for this Motion, the Parties state as follows.

1. On July 26, 2007, the Court entered its Final Judgment and Order Approving Class Action Settlement Agreement [doc. 242]. Under the terms of that Final Judgment and Order, the Court retained jurisdiction over the Class claims and the Parties' Settlement Agreement for the purpose of supervising the claims administration.

2. In accordance with the Parties' Settlement Allocation Plan (attached as Exhibit 1 to the Court's Order Granting Joint Motion for Preliminary Approval Class Action Settlement Agreement [doc. 199]), within thirty (30) days after all claim forms were processed and paid, the Claims Administrator was required to submit a Final Report of Settlement Administration ("Final Report"). Counsel were then required to file a Motion to Close the Claims Administration.

3. The Claims Administrator's Final Report is attached hereto as Exhibit 1.

4. In accordance with Section X.F. of the parties' Settlement Agreement, "[t]he Claims Administrator's reasonable fees and expenses, including but not necessarily limited to the costs of sending notice to the Settlement Class, processing Settlement Class members' Claim Forms and Opt-Out Forms, responding to communications from Class members, and otherwise administering the claims process will be paid out of the Settlement Fund Account." (Exhibit 1 to the Court's Order Granting Joint Motion for Preliminary Approval Class Action Settlement Agreement [doc. 199]).

5. The Claims Administrator's Final Report indicates that, after payment of all valid claims, there remains in the Settlement Fund Account the sum of $2,861.57. Exhibit 1. The Claims Administrator further expects to receive an employer tax/employee withholding refund of $919.66. Exhibit 1. Thus, the total amount of residual funds in the Settlement Fund Account,

after payment of all valid claims, is expected to be approximately $3,781.23. Exhibit 1.

6. The Claims Administrator has incurred an additional $5,336.71 in fees in connection with the claims administration, but has agreed to accept the remaining balance of the Settlement Fund Account in full satisfaction of its outstanding invoice. Exhibit 1. Pursuant to Section X.F. of the Parties' Settlement Agreement, the remaining balance of the Settlement Fund Account should be used to satisfy the Claims Administrator's outstanding invoice.

7. There is no further reason for the Court to retain jurisdiction over this case. This case should be finally dismissed with prejudice in its entirety.

WHEREFORE, the Parties respectfully request that the Court enter its Order closing the claims administration, authorizing the Claims Administrator to satisfy its outstanding invoice from the balance remaining in the Settlement Fund Account, and dismissing this case with prejudice in its entirety.

Respectfully submitted,

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By: ***Electronically Signed By Patrick D. Allen 11/16/09***
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